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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EARL L. BARNES,

Plaintiff,

vs.

UTAH DEPARTMENT OF CORRECTIONS,
LOGAN S. CLARK, JOSEPH COOMBS,
KENNON TUBBS, CODY CHARLTON, and
RAYMOND MERRILL,

Defendants.

**DEFENDANT KENNON TUBBS
JOINDER IN MOTION TO DISMISS OR
ALTERNATIVELY FOR SUMMARY
JUDGMENT**

Case No. 2:14cv00226

Judge David Nuffer

Pursuant DUCivR 7-1(a)(4), Defendant Kennon Tubbs, through counsel, Darin B. Goff, hereby joins in Defendants Logan Clark, Joseph Coombs, and Raymond Merrill's Motion for Summary Judgment¹. For the reasons stated therein, Tubbs requests that the Court grant him summary judgment on all claims in this matter.²

¹ Doc. 29.

² At the time of the filing of the Motion for Summary Judgment, Tubbs had not been served. Subsequently, Tubbs

Dated this 1st day of August, 2016.

SEAN D. REYES
Utah Attorney General

/s/Darin B. Goff
DARIN B. GOFF
Assistant Utah Attorney General
Attorney for State Defendants

CERTIFICATE OF MAILING

I certify that on August 1, 2016, I electronically filed the foregoing, **DEFENDANT KENNON TUBBS JOINER IN MOTION TO DISMISS OR ALTERNATIVELY FOR SUMMARY JUDGMENT**, using the Court's CM/ECF system and I also certify that a true and correct copy of the foregoing was sent by United States mail, postage prepaid, to the following:

Earl L. Barnes
P.O. Box 250 WAE-348
Draper, Utah 84020-0250

/s/ Cheryl Harris

was served. *See* Summons Returned Executed ([Doc. 35](#)). As argued in the other Defendants' motion, however, the exhaustion and Governmental Immunity Act arguments made therein, apply equally to Tubbs, and the remaining unserved Defendant, Cody Charlton. Defs.' Mot. for Sum. Judgment, iv, n. 1 ([Doc. 29](#)).